

AMENDED IN ASSEMBLY JANUARY 30, 2003

CALIFORNIA LEGISLATURE—2003–04 REGULAR SESSION

ASSEMBLY BILL

No. 29

Introduced by Assembly Member Reyes
(Coauthors: Assembly Members Bermudez, Diaz, Garcia, and
Montanez)
(Coauthor: Senator Soto)

December 2, 2002

An act to add Section 6302.5 to the Family Code, relating to protective orders.

LEGISLATIVE COUNSEL'S DIGEST

AB 29, as amended, Reyes. Protective orders: domestic violence.

Existing law provides for the issuance of protective orders in cases of domestic violence.

This bill would require any person who petitions the court for a domestic violence protective order to serve specified persons with a copy of the order and related pleadings, and provide proof of service to the court, as specified. The bill would require the court to inquire into compliance with these provisions, and, upon noncompliance, ~~authorize the court to issue an order, including, but not limited to, the award of monetary sanctions~~ *would require the court to deny the domestic violence protective order.* The bill would require all domestic violence protective orders to include a notice to the petitioner of his or her duty to comply with these provisions.

By imposing additional duties on the courts, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates that do not exceed \$1,000,000 statewide and other procedures for claims whose statewide costs exceed \$1,000,000.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 6302.5 is added to the Family Code, to
2 read:
- 3 6302.5. (a) (1) Any person who has petitioned the court for
4 an order under this part and has been awarded custody of, or
5 unsupervised visitation with, a minor, shall serve by mail a copy
6 of the order and related pleadings to the last known address of the
7 following persons:
- 8 (A) The other parent of the minor, unless the respondent.
9 (B) If the respondent has any minor child unrelated to the
10 petitioner, the other parent of that minor.
- 11 (2) Pursuant to paragraph (1), the petitioner shall file with the
12 court, prior to or at the hearing of this order, proof of service by
13 mail pursuant to Section 1013a of the Code of Civil Procedure.
- 14 (b) At the hearing, the court shall inquire whether the petitioner
15 has complied with subdivision (a). ~~Upon noncompliance, the court~~
16 ~~may issue any order, including, but not limited to, the award of~~
17 ~~monetary sanctions pursuant to Section 271. If the petitioner has~~
18 ~~not complied with subdivision (a), then the order may not be~~
19 ~~issued.~~
- 20 (c) *Nothing in this section may be used as evidence to change*
21 *any previous custody order or agreement.*
- 22 (d) All domestic violence protective orders under this part shall
23 set forth on the face a notice in substantially the following form:



1 “NOTICE TO THE PETITIONER: If you have any minor
2 children, you are required to serve by mail a copy of this order and
3 related pleadings to the last known address of the parent of your
4 minor children, unless he or she is the respondent. If the
5 respondent has any other minor children unrelated to you, you are
6 also required to serve, in the same manner, the other parent of those
7 minor children. *Service of these persons, however, may not be used*
8 *to change any current custody order or agreement.* You must
9 provide proof of service by mail to the court prior to or at the
10 hearing of this order. The court is required to inquire whether you
11 have complied with these requirements. Failure to comply ~~may~~
12 ~~result in monetary sanctions against you~~ *shall result in this order*
13 *being denied.”*

14 SEC. 2. Notwithstanding Section 17610 of the Government
15 Code, if the Commission on State Mandates determines that this
16 act contains costs mandated by the state, reimbursement to local
17 agencies and school districts for those costs shall be made pursuant
18 to Part 7 (commencing with Section 17500) of Division 4 of Title
19 2 of the Government Code. If the statewide cost of the claim for
20 reimbursement does not exceed one million dollars (\$1,000,000),
21 reimbursement shall be made from the State Mandates Claims
22 Fund.

